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TFW 3621



PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

46

Application Number 10/068,174

Filing Date 01/29/2002

First Named Inventor Douglas Fisher

Art Unit 3621

Examiner Name Behrang Badli

Attorney Docket Number 01-111

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
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| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Response to Notice of Non-Compliant Amendment, Signed Response to Office Action, Revised Claim Set, Return Postcard |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-------------------------|----------|--------|
| Firm Name | Foothill Law Group, LLP | | |
| Signature | <i>Barton A. Smith</i> | | |
| Printed name | Barton A. Smith | | |
| Date | March 20, 2006 | Reg. No. | 50,763 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as ~~first class mail~~ in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: *U.S. Express Mail, No. EQ 237003408 US*

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| Signature | <i>Barton A. Smith</i> | | |
| Typed or printed name | Barton A. Smith | Date | March 20, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In the United States Patent and Trademark Office

Applicant : Douglas Fisher
Filed : 01/29/2002
Art Unit : 3621
Docket No. : 01-111
Application No. : 10/066,174
Customer No. : 23843

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This filing is in response to a Notice of Non-Compliant Amendment in the subject case, mailed February 24, 2006 ("the Notice").

The Notice indicates that my earlier Response to Office Action ("the Response"), filed February 13, 2006, is deficient in two respects: it is unsigned, and its revised listing of claims does not provide the text of claims being withdrawn.

To remedy those deficiencies, enclosed are a properly signed duplicate of the Response, and a new listing of claims showing the texts of all withdrawn claims, so labeled.

Please contact the undersigned attorney at (408) 293-0880 to discuss any aspect of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barton A. Smith". The signature is fluid and cursive, with the first name "Barton" being more prominent than the last name "Smith".

Barton A. Smith

Registration No. 50,763

Attorney for Applicant

Filed March 20, 2006



In the United States Patent and Trademark Office

Applicant : Douglas Fisher
Filed : 01/29/2002
Art Unit : 3621
Docket No. : 01-111
Application No. : 10/066,174
Customer No. : 23843

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This filing is a response to an Office Action in the subject case, mailed September 14, 2005 (the "Office Action").

This Response to the Office Action provides Applicant's reasoning for its contention that claims 1-9 in the subject application were improperly rejected as being anticipated by published U.S. patent application No. 2001/0016769, by Barbara et al (hereinafter "Barbara") as cited in the Office Action. It also affirms the withdrawal from consideration, without prejudice to later prosecution, of original claims 10-60, consistent with their non-election in response to an earlier restriction requirement.